

**Union Calendar No. 38**

104TH CONGRESS  
1ST SESSION

**H. R. 402**

**[Report No. 104-73]**

**A BILL**

To amend the Alaska Native Claims Settlement  
Act, and for other purposes.

MARCH 9, 1995

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To amend the Alaska Native Claims Settlement Act, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RATIFICATION OF CERTAIN CASWELL AND**  
2 **MONTANA CREEK NATIVE ASSOCIATIONS**  
3 **CONVEYANCES.**

4 The conveyance of approximately 11,520 acres to  
5 Montana Creek Native Association, Inc., and the convey-  
6 ance of approximately 11,520 acres to Caswell Native As-  
7 sociation, Inc., by Cook Inlet Region, Inc. in fulfillment  
8 of the agreement of February 3, 1976, and subsequent  
9 letter agreement of March 26, 1982, among the three par-  
10 ties are hereby adopted and ratified as a matter of Federal  
11 law. These conveyances shall be deemed to be conveyances  
12 pursuant to section 14(h)(2) of the Alaska Native Claims  
13 Settlement Act (43 U.S.C. 1613(h)(2)). The group cor-  
14 porations for Montana Creek and Caswell are hereby de-  
15 clared to have received their full entitlement and shall not  
16 be entitled to the receipt of any additional lands under  
17 the Alaska Native Claims Settlement Act. The ratification  
18 of these conveyances shall not have any other effect upon  
19 section 14(h) of the Alaska Native Claims Settlement Act  
20 (43 U.S.C. 1613(h)) or upon the duties and obligations  
21 of the United States to any Alaska Native Corporation.  
22 This ratification shall not be the basis for any claim to  
23 land or money by Caswell or Montana Creek group cor-  
24 porations or any other Alaska Native Corporation against  
25 the State of Alaska, the United States, or Cook Inlet Re-  
26 gion, Incorporated.

1 **SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO**  
2 **ALASKA REGIONAL CORPORATION.**

3 Section 22(c) of the Alaska Native Claims Settlement  
4 Act (43 U.S.C. 1621(c)) is amended by adding at the end  
5 the following:

6 “(3) This section shall apply to lands conveyed by in-  
7 terim conveyance or patent to a regional corporation pur-  
8 suant to this Act which are made subject to a mining claim  
9 or claims located under the general mining laws, including  
10 lands conveyed prior to enactment of this paragraph. Ef-  
11 fective upon the date of the enactment of this paragraph,  
12 the Secretary, acting through the Bureau of Land Man-  
13 agement and in a manner consistent with section 14(g)  
14 of this Act, shall transfer to the regional corporation ad-  
15 ministration of all mining claims determined to be entirely  
16 within lands conveyed to that corporation. Any person  
17 holding such mining claim or claims shall meet such re-  
18 quirements of the general mining laws and section 314  
19 of the Federal Land Management and Policy Act of 1976  
20 (43 U.S.C. 1744), except that any filings which would  
21 have been made with the Bureau of Land Management  
22 if the lands were within Federal ownership shall be timely  
23 made to the appropriate regional corporation. The validity  
24 of any such mining claim or claims may be contested by  
25 the regional corporation, in the place of the United States.  
26 All contest proceedings and appeals by the mining claim-

ants of adverse decisions made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim or claims so conveyed.”.

**SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.**

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“CLAIMS ARISING FROM CONTAMINATION OF  
TRANSFERRED LANDS

“SEC. 40. (a) As used in this section:

“(1) The term ‘contaminant’ means hazardous substances harmful to public health or the environment, including asbestos.

1           “(2) The term ‘lands’ means real property  
2           transferred to an Alaska Native Corporation pursu-  
3           ant to this Act.

4           “(b) Within 18 months of enactment of this section,  
5           and after consultation with the Secretary of Agriculture,  
6           State of Alaska, and appropriate Alaska Native corpora-  
7           tions and organizations, the Secretary shall submit to the  
8           Committee on Resources of the House of Representatives  
9           and the Committee on Energy and Natural Resources of  
10          the Senate, a report addressing issues presented by the  
11          presence of hazardous substances on lands conveyed or  
12          prioritized for conveyance to such corporations pursuant  
13          to this Act. Such report shall consist of—

14               “(1) existing information concerning the nature  
15               and types of contaminants present on such lands  
16               prior to conveyance to Alaska Native corporations;

17               “(2) existing information identifying the exist-  
18               ence and availability of potentially responsible par-  
19               ties for the removal or amelioration of the effects of  
20               such contaminants;

21               “(3) identification of existing remedies; and

22               “(4) recommendations for any additional legis-  
23               lation that the Secretary concludes is necessary to  
24               remedy the problem of contaminants on such  
25               lands.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
2 **PURPOSES OF IMPLEMENTING REQUIRED**  
3 **RECONVEYANCES.**

4 Section 14(c) of Alaska Native Claims Settlement Act  
5 (43 U.S.C. 1613(c)) is amended by adding at the end the  
6 following:

7 “There is authorized to be appropriated such sums as may  
8 be necessary for the purpose of providing technical assist-  
9 ance to Village Corporations established pursuant to this  
10 Act in order that they may fulfill the reconveyance require-  
11 ments of section 14(c) of this Act. The Secretary may  
12 make funds available as grants to ANCSA or nonprofit  
13 corporations that maintain in-house land planning and  
14 management capabilities.”.

15 **SEC. 5. NATIVE ALLOTMENTS.**

16 Section 1431(o) of the Alaska National Interest  
17 Lands Conservation Act (94 Stat. 2542) is amended by  
18 adding at the end the following:

19 “(5) Following the exercise by Arctic Slope Regional  
20 Corporation of its option under paragraph (1) to acquire  
21 the subsurface estate beneath lands within the National  
22 Petroleum Reserve—Alaska selected by Kuukpik Corpora-  
23 tion, where such subsurface estate entirely surrounds  
24 lands subject to a Native allotment application approved  
25 under section 905 of this Act, and the oil and gas in such  
26 lands have been reserved to the United States, Arctic

1 Slope Regional Corporation, at its further option, shall be  
2 entitled to receive a conveyance of the reserved oil and  
3 gas, including all rights and privileges therein reserved to  
4 the United States, in such lands. Upon the receipt of a  
5 conveyance of such oil and gas interests, the entitlement  
6 of Arctic Slope Regional Corporation to in-lieu subsurface  
7 lands under section 12(a)(1) of the Alaska Native Claims  
8 Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced  
9 by the amount of acreage determined by the Secretary to  
10 be conveyed to Arctic Slope Regional Corporation pursu-  
11 ant to this paragraph.”.

12 **SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN**  
13 **NATIVE ALASKAN VETERANS FOR ALLOT-**  
14 **MENTS.**

15 (a) IN GENERAL.—No later than six months after the  
16 date of enactment of this Act, the Secretary of the Inte-  
17 rior, in consultation with the Secretary of Agriculture, the  
18 State of Alaska and appropriate Native corporations and  
19 organizations, shall submit to the Committee on Resources  
20 of the House of Representatives and the Committee on  
21 Energy and Natural Resources of the Senate, a report  
22 which shall include, but not be limited to, the following:

23 (1) The number of Vietnam era veterans, as de-  
24 fined in section 101 of title 38, United States Code,  
25 who were eligible for but did not apply for an allot-



1       ment of not to exceed 160 acres under the Act of  
2       May 17, 1906 (Chapter 2469; 34 Stat. 197), as  
3       such Act was in effect before December 18, 1971;

4           (2) an assessment of the potential impacts of  
5       additional allotments on conservation system units  
6       as such term is defined in section 102(4) of the  
7       Alaska National Interest Lands Conservation Act  
8       (94 Stat. 2375); and

9           (3) recommendations for any additional legisla-  
10      tion that the Secretary concludes is necessary.

11      (b) REQUIREMENT.—The Secretary of Veterans Af-  
12      fairs shall release to the Secretary of the Interior informa-  
13      tion relevant to the report required under subsection (a).

14      **SEC. 7. TRANSFER OF WRANGELL INSTITUTE.**

15      (a) PROPERTY TRANSFER.—Cook Inlet Region, In-  
16      corporated, is authorized to transfer to the United States  
17      and the General Services Administration shall accept an  
18      approximately 10-acre site of the Wrangell Institute in  
19      Wrangell, Alaska, and the structures contained thereon.

20      (b) RESTORATION OF PROPERTY CREDITS.—

21           (1) IN GENERAL.—In exchange for the land  
22      and structures transferred under subsection (a),  
23      property bidding credits in the total amount of  
24      \$382,305, shall be restored to the Cook Inlet Re-  
25      gion, Incorporated, property account in the Treasury

1 established under section 12(b) of the Act of Janu-  
2 ary 2, 1976 (Public Law 94-204; 43 U.S.C. 1611  
3 note), referred to in such section as the “Cook Inlet  
4 Region, Incorporated, property account”. Such prop-  
5 erty bidding credits shall be used in the same fiscal  
6 year as received by Cook Inlet Region, Incorporated.

7 (2) HOLD HARMLESS.—The United States shall  
8 defend and hold harmless Cook Inlet Region, Incor-  
9 porated, and its subsidiaries in any and all claims  
10 arising from Federal or Cook Inlet Region, Incor-  
11 porated, ownership of the land and structures prior  
12 to their return to the United States.

13 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

14 The Shishmaref Airport, conveyed to the State of  
15 Alaska on January 5, 1967, in Patent No. 1240529, is  
16 subject to reversion to the United States, pursuant to the  
17 terms of that patent for nonuse as an airport. The Sec-  
18 retary is authorized to reacquire the interests originally  
19 conveyed pursuant to Patent No. 1240529, and, notwith-  
20 standing any other provision of law, the Secretary shall  
21 immediately thereafter transfer all right, title, and interest  
22 of the United States in the subject lands to the  
23 Shishmaref Native Corporation. Nothing in this section  
24 shall relieve the State, the United States, or any other  
25 potentially responsible party of liability, if any, under ex-

1 isting law for the clean up of hazardous or solid wastes  
2 on the property, nor shall the United States or Shishmaref  
3 Native Corporation become liable for the cleanup of the  
4 property solely by virtue of acquiring title from the State  
5 or from the United States.